

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VANCE V. LAKE,)	
)	
Plaintiff,)	
)	
v.)	No. 4:20 CV 205 CDP
)	
ANDREW M. SAUL,)	
Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Plaintiff Vance V. Lake prevailed on his appeal for judicial review of an adverse decision of the Social Security Administration and now requests attorney's fees under the Equal Access to Justice Act (EAJA) in the amount of \$7,953.87. In response, the Commissioner avers that the parties have agreed to a fee award totaling \$7500 and asks that I order payment in this amount. Plaintiff has not filed a brief in reply, and the time to do so has passed. I will grant plaintiff attorney's fees in the agreed amount of \$7500.

This matter came before me on plaintiff's appeal for judicial review of an adverse decision of the Social Security Administration. In a Memorandum, Order, and Judgment entered March 29, 2021, I reversed the Commissioner's decision and remanded the matter to the Commissioner for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Plaintiff now seeks an award of


attorney's fees inasmuch as he is a prevailing party, has a net worth of less than two million dollars, and incurred these fees in this action. 28 U.S.C. § 2412(d). In response, the Commissioner avers that the parties have agreed to an award of attorney's fees totaling \$7500 and asks that such award be made payable in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). Upon review of plaintiff's motion and the Commissioner's response, I find the agreed-to fees and the Commissioner's requested terms of payment to be reasonable.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's Motion for Attorney's Fees [20] is **GRANTED in part and DENIED in part.**

IT IS FURTHER ORDERED that, pursuant to 28 U.S.C. § 2412(d), plaintiff shall recover attorney's fees from the Social Security Administration in the amount of Seven Thousand, Five Hundred 00/100 Dollars (\$7500.00).

IT IS FURTHER ORDERED that, under the terms of the Fee Agreement and Assignment – Federal Court executed by the plaintiff and his counsel in this case (*see* ECF 20-3), the award shall be made payable to Access Disability, LLC, unless plaintiff has a pre-existing debt owed to the United States, in which case the award shall be made payable to the plaintiff and subject to offset to satisfy that debt.


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2021.